UNITED STATES PATENT AND TRADEMARK OFFICE

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09/768,482	01/23/2001	Greg Wiggins	55994.0129	1535

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 March 2007</u>.

2a)☒ This action is **FINAL.** 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-7,10-18,21 and 22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3-7,10-18,21 and 22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Reopen Prosecution in view of Pre-Brief filed on 09/04/07.

Claims 1, 3-7, 10-18, 21-22 are pending.

Response to Arguments

2.   This action is in response to the amendment filed on 03/05/2007.

It should be noted that "Create self-extracting ZIP files with WinZip 6.3" published after the effective filing date of this application, but the WinZip 6.3 is before the effective filing date of this application. For Example, "Go Inside WinZip 7.0" discussing WinZip 7.0 is a prior art. Therefore, features of WinZip 6.3 discussed in "Create self-extracting ZIP files with WinZip 6.3" is prior art features.

It had been known very long time that WinZip Application, the prior art, if installed in A Windows, another prior art, it provides a user to create a new package Zip file with file name, file type .zip, etc., for packing selected files in a computer file system. These features provided when staring doing the WinZip application, and it does exactly the same as the "consol" of this present application. There is no unique definition for the word "console", but the features on the WinZip file by providing a panel for selecting files in a computer to the WinZip file matches the "console" of the claims. After all files are selected as needed, a package is created with the same features as of the WinZip application. The new package created meets the limitation, "*a self-extracting auto-migration package*".

Therefore, the WinZip application itself, associated with Windows operating system, does the same function of "a console" recited in this present application. It had been known that every computer can connect to network, and this user can send this created WinZip file to other users. The Applicants' console, "*a console in communication with said application interface file, said console configured to scan said first computer for said files and settings to be migrated to said second computer*", clearly is very common, standard, and in public use, and it reads, expressly or inherently, on the WinZip

application. A claimed feature should show its novelty. The argument to the standard features would be

improper under 1.111(c).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 3-7, 10-18, 21-22 are rejected under 35 U.S.C. 102(b) as being unpatentable over Nico

Mak's computing, inc, "WinZip Version 7.0" (Hereinafter: Nico Mak) and O'Connell, "Go Inside WinZip 7.0"

(hereinafter: O'Connell).

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: The **WinZip application** as in Nico Mak and O'Connell discloses,

A system for describing and extracting application information, comprising:

(A) a first computer system, said first computer system further comprising:(1) an input

device; (2) a display device; and (3) a processing unit, said processing unit further comprising:(a)

a processor;(b) memory; and(c) a long-term storage device; (computer per se)

(B) a second computer system, said second computer system further comprising:(1) an

input device; (2) a display device; and (3) a processing unit, said processing unit further

comprising:(a) a processor;(b) memory; and(c) a long-term storage device; (computer per se)

(C) a first version of an application program resident on said long term storage device of said processing unit of said first computer system (For example, a WinZip application, where this one can be obtained from WinZip.com, installed and linked with the file system of a computer).

(D) a second version of said application program resident on said long term storage device of said processing unit of said second computer system (For example, another WinZip application, where this one can be obtained from WinZip.com, installed and linked with the file system of another computer).

(E) means for migrating files and settings associated with said application program from said first computer (Every computer connected with a network providing migrating files):

(1) an application interface file identifying how to convert said settings from said first version to said second version of said application program (It is in a self extract WinZip file, sent from a computer to another computer, this file provide features as discussed in WinZip Version 7.0 of Nico Mak, such as an .ini file or using registry (p.1));

(2) a communication channel between said first computer system and said second computer system (Refer to Internet connected between two computers, however, it in the self extract WinZip application, that provides connection to a HTTP protocol for other computer communications);

(3) a console in communication with said application interface file (See WinZip7.0; the registry setting allows the WinZip directly communicates to any file in the Windows and the WINZIP, and thus allows users to select files into the self-extracting WinZip file for sending to another computer), ***said console configured to scan said first computer for said files and settings to be migrated to said second computer*** (See WINZIP 7.0, p. 1, fourth paragraph, "using the configuration | view dialog box", and all commands that has means for creating a .Zip, such as File, Add, Drop; etc. Also, p. 1, paragraph below "Other change include:", see "copy all the ini entries to the registry" i.e. it is of the WinZip associated with Windows' registry. Furthermore, the Windows with its basics windows' commands and Windows registry, in which the WinZip is registered, is also a configuring console)

Note: with the features in Nico Mak reference, it allows a user to add files into a WinZip file before migrating to another computer. As seen, an .ini file may included and extractable for making the WinZip

application if it is not installed, will communicate with a computer Windows for operating the WinZip

application); *and*

> *(4) a self-extracting auto-migration package built by said console said self-extracting auto-migration package further comprising files and self-extracting auto-migration package further comprising said files and settings for migration to said second computer* (that is any .ZIP file created by WinZip 7.0),
>
> *said self-extractinq auto-migration package configured to update said second version of said application program with said files and settings of said first version* (Simply run the Extract button in the WinZip file that is received from the first computer).

Nico Mak and O'Connell do not explicitly mention first computer, second computer, and the description of communication devices in a computer for migrating a file from a computer to another computer.

However, these features are common in the art,

Therefore it is obvious to an ordinary skill in the art at the time of filing this application that these lacked features not mentioned in the references would be already included in any computer for operation the file transfer.

As per Claim 4: Nico Mak discloses the WinZip with Drag and Drop, "File Properties" for creating self-extractor packages.

As per Claim 5: Nico Mak discloses the WinZip which is adaptable to a standard Window like Window 95, editable by a "File Properties".

As per Claim 6: With regard to limitation of Claim 6, see all commands shown in page 2.

As per Claim 7: With regard to limitation of Claim 7, Self-Extracting Zip file is an executable file.

As per Claim 10: With regard to limitation of Claim 10, see page 2, "move", "Add", "Drop", "File Properties", allowing a user to edit a file.

As per Claim 11: With regard to limitation of Claim 11, see page 13, Wizip.com provides password to it customer.

As per Claim 12: With regard to limitation of Claim 12, ZIP file is a compressed package.

As per Claim 13: With regard to limitation of Claim 13, Buttons EXTRACT in the ZIP file.

As per Claim 14: With regard to limitation of Claim 14, associated with Windows commands.

As per Claim 15: With regard to limitation of Claim 15, the text area in any WinZip file. It should be noted that it is adaptable from Microsoft Windows feature.

As per Claim 16: With regard to limitation of Claim 16, commands such as "Add", "Drop", "Clipboard Copy", allow a file to be copied and migrated in the Self-Extractor or deleted when they are duplicated. Furthermore, this reference is associated with Microsoft Windows that is included with Windows console commands, i.e., when drop a file in to a directory or a text area or a .ZIP file, if the drop file is in there, Windows console command always comes up with a warning question.

As per Claim 17: With regard to limitation of Claim 17, refer self-extracting in the reference.

As per Claim 18: Nico Mak and O'Connell do not express show Self-extracting auto-migration package further comprises "user-defined profiles"

Official notice is taken that User-defined profiles recited in the claim is only data limitation that is included but does nothing in the claim.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to include information file, data file, as part of compressed files in a package.

As per Claim 3: Nico Mak inc. and O'Connell, disclose

A method for extracting and migrating application information, comprising:

(A) loading a Personality Package corresponding to a user (Created a WinZip file that is used to sent to a user), *said Personality Package comprising user settings, user preferences, application programs and data files for migration from a source computer to a destination computer* (all the content used to packed in the WinZip file; i.e. a created zipped file having, "Something or Other zip"), *said Personality Package corresponding to specified application versions* (i.e. a package of an application used to stored in a directory such as seen in O'Connell, p. 4);

(B) executing said Personality Package; (C) getting a file; (D) copying said file, and determining whether migration of additional files is required and if additional files are required returning to

said getting a file step (See O'Connell, an execution on "Extract" providing the user to determine how to

do. It is merely a manual act, using basic operating commands in Windows to perform);

(E) getting a registry; (F) copying said registry (As mentioned, for install an application, in a Windows,

the registry needs to update. See WinZip7.0, features such as copy all ini entries);

(G) getting application version specifics, and testing to determine if destination application

versions in said destination computer match said application versions specified in said

Personality Package, and generating an error if said destination application versions do not match

(Nico Mak, provides configuration that improves a user manually installing the features of the WinZip

application into a computer. Where installing error is generated based on the Windows operating system,

the act of getting application version specifics is only a manual act performed by a user);

and (H) updating links (See WINZIP7.0, updating the registry key ('*shell link*')).

Nico Mak and O'Connell, do not explicitly mention source computer, destination computer, depict

a file, and "test", and the description of communication devices in a computer for migrating a file from a

computer to another computer.

However, these features are common in the art,

Therefore it is obvious to an ordinary skill in the art at the time of filing this application that these

lacked features not mentioned in the references would be already included in any computer for operation

the file transfer.

As per claim 21: *The method of claim 3, further comprising: determining whether said file is a shell link;*

and if said file is a shell link, adding said file to a shell link list (see WINZIP7.0 or WINZIP are embedded

in Windows, where shell links is part of the Windows operating system – For example, make a shortcut of

a WinZip file in a desktop has means of creating a shell link list, where shell link provides a user

interfaces WINZIP from everywhere; particularly from the desktop of the Windows).

As per claim 22: *The method of claim 21, further comprising updating shell links in said destination*

computer using said shell link list (see WINZIP 7.0 or WINZIP are embedded in Windows, where shell

links is part of the Windows operating system).
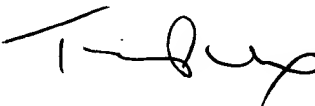
Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
November 23, 2007

TED VO
PRIMARY EXAMINER